

THE
C A S E
OF
Charles Price, Merchant,
And O T H E R S ;
Owners and Freighters of the Ship *ANDALUZIA*.



THAT the *East-India* Company had a Charter Granted to them by King *Charles* the *Second*, in the 13th Year of his Reign, and afterwards Confirmed, with further Priviledges, by King *James* the *Second* ; wherein there is a Clause, That no Person should trade to the *East-Indies*, without License from the Company, upon pain of Forfeiting their Goods. And also a Proclamation was put forth by the Late King *James*, to the same purpose. And altho there had been former Grants made to the Company, yet the Forfeiture was never insisted upon, till about

Five Years ago.

That the said Owners and Freighters were advised by their Council, That the said Clauses in the said Grants and Proclamation, were void in Law, and that they might lawfully Trade to the *Indies*, notwithstanding the same.

Whereupon in the Year 1684, they freighted the said Ship with *Cloath* and *Lead*, and sent her to *Spain*, where she took in *Plate*, and from thence Sailed to the *Indies*, and disposed of her *Cargo*, for the Commodities of *India*.

That she Coming for *England* in 1686, was so disabled by a Storm, that she was forc'd to put in to the Harbour of *Portsmouth* to re-fit.

That the *East-India* Company having Notice thereof, prevail'd with his said Late Majesty, King *James*, to cause the said Ship, and all the Men and Goods in her, to be Seized by Process out of the Admiralty-Court, pretending a Forfeiture, by virtue of the said Charter and Proclamation, and kept them at *Portsmouth*, and would not suffer them to be brought up to *London* ; and upon one of the Members of the Company's producing the said King's Letter to the Court, the Judge refused to take Bail, altho 100000 *l.* or what other Bail they would insist upon, was offered.

That they could not get a Libel, till near Two Months afterwards, (the Ship and Men being all that time in Custody), and when the Libel was put in, the Ship and Goods were libelled against, as Forfeited for trading to *India*, without the Companies License ; which (if so) that Court could not try ; and to prevent a Prohibition, (whereby the said Owners might have had their Ship and Goods delivered them), they did in the same Libel Charge all the Sea-men with Piracy ; which was a notorious Falsity, and a meer Trick, to keep the Cause in the said Court.

That they finding themselves under this Necessity, were forc'd to agree with Sir *Josiah Child*, and Sir *Benj. Bathurst* (Managers for the said Company) at their own Terms ; and before they could get their Men discharged, or any Account of their Goods, they were compelled to acknowledg themselves to be Interlopers, and to submit to the Determination of the Admiralty Court, without further Appeal, or any Action to be brought in Law or Equity, and also to pay them one Fifth of the whole Proceed of the *Cargo* ; which, with other Charges, amounted to above 10000 *l.* They having also in the *Indies* been forc'd to Pay for their Liberty there, upon the Companies Prosecution, about 3000 *l.* and afterwards to give them a General Release of all Demands.

All which Doings tend to the Subversion of the Laws, and to the Great Damage of the Owners and Freighters of the said Ship ; they being remediless (by the Contrivances of the said Company) unless in Parliament.